

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY

PROCEEDINGS AGAINST	FINAL DECISION AND ORDER
HANH XUAN TRAN,	97 BAC 015, 97 BAC 079, AND 97 BAC 093
d/b/a K NAILS,	LS99020120BAC
RESPONDENT.	

The parties to this action for the purpose of Wis. Stats. sec. 227.53 are:

Hanh Xuan Tran
d/b/a K Nails
2403 West Broadway
Monona, WI 53713

Barbering and Cosmetology Examining Board
P.O. Box 8935
Madison, WI 53707-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

- Haun Xaun Tran** ("Tran"), date of birth 11/21/63, is licensed in the State of Wisconsin as a Manicurist having license # 2180. This license was first granted to her on 11/22/95.
- Tran is listed with the Department of Regulation and Licensing as owner of the manicurist establishment doing business at K Nails, in Monona, WI. K Nails most recent address on file with the Department of Regulation and Licensing is 2403 W. Broadway St., Monona, WI 53713. Tran became owner of K Nails in Monona on 6/28/96, license # 737.
- On or about July 11, 1996, the Monona K Nails was inspected by Investigators Angi Jerney and Kelley Sankbeil of the Department of Regulation and Licensing. During the investigation investigators Jerney and Sankbeil

observed the following.

- a. Respondent Tran was observed by investigators Jerney and Sankbeil providing manicure services to two clients without washing her hands between clients.
- b. Hua Cathy Chi Huu, who did not hold a valid Wisconsin manicurist's license was observed providing manicurist services to a client..
4. On March 12, 1997, Department of Regulation and Licensing investigators Sue Schaut and Betsy Wood inspected K Nails and observed K Nails employees Phuong Thi Ngoc Huynh, and Tam Van Huynh, who did not hold valid Wisconsin manicurist's licenses, providing manicuring services to clients.
5. On April 17, 1997, Michelle Bailey received manicure services from Hanh Xuan Tran at K Nails. Tran cut Bailey's finger during the course of the manicure causing it to bleed. Tran did not stop to wash and disinfect the cut. Ms. Tran denies being aware that she accidentally cut Bailey's finger.
6. On May 8, 1997, Investigator Betsy Wood inspected K Nails and observed
K Nails employee Phuong Thi Ngoc Huynh, who did not hold a valid Wisconsin manicurist's license, providing manicurist services to clients.

CONCLUSIONS OF LAW

1. The Wisconsin Barbering and Cosmetology Examining Board has jurisdiction to act in this matter pursuant to sec. 454.15, Wis. Stats.
2. The Wisconsin Barbering and Cosmetology Examining Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.
3. Respondent **Hahn Xuan Tran** has violated:
 - a. Wisconsin Statutes sec. 454.15(i) and Wisconsin Administrative Code sections.
BC 2.01(1), BC 2.03(1), BC 2.03(5), and BC 4.05(1), by not washing hands thoroughly between patrons and by not following the proper procedures for exposure to blood after cutting Michelle Bailey's finger.
 - b. Wisconsin Statutes section 454.04(1)(d) and 454.15(2)(i) and Wisconsin Administrative Code section BC 2.04(1) and BC 2.06(1) by permitting unlicensed persons to practice manicuring, specifically Hua Cathy Chi Huu on July 11, 1996, Phoung Thi Ngoc Huynh and Tam Van Huynh on March 12, 1997, and Phuong Thi Ngoc Huynh on May 8, 1997.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is hereby accepted.

IT IS FURTHER ORDERED, that Respondent **Hanh Xuan Tran** Manicurist License # 2180 be, and hereby is, **REPRIMANDED**.

IT IS FURTHER ORDERED, that Respondent **Hanh Xuan Tran** pay partial costs in this matter in the amount of \$2,000.00, within 6 months of the date of this Order by making payment of the same to the Department of Regulation and Licensing, P.O. Box 8935, Madison, WI 53708-8935.

IT IS FURTHER ORDERED, that in the event Respondent **Hanh Xuan Tran** fails to pay the \$2,000.00 partial costs within the time and in the manner as set forth above, then and in that event, and without further notice to the Respondent **Hanh Xuan Tran**, her manicurist license shall be suspended without further hearing and without further Order of the Board, and said suspension shall continue until the full amount of said partial costs have been paid to the Department of Regulation and Licensing and her failure to pay the partial costs shall be considered a violation of this Order by the Board.

IT IS FURTHER ORDERED, that file, 97 BAC 015, 97 BAC 079 and 97 BAC 093 be, and hereby are, closed.

Dated this 1st day of February, 1999.

WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

By: James Fahey

